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HARYANA GOVERNMENT

REVENUE AND DISASTER MANAGEMENT DEPARTMENT

Notification

The 17th August, 2021

No. 1740-R-2-2021/5986.—

Haryana Land Records Manual

Chapter: 7 – The Record of Rights

1. In the Haryana Land Records Manual, para 7.40 pertaining to the form of the jamabandi and para 7.41 pertaining to the special instructions relating to the Jamabandi, shall be substituted, namely:-

7.40 The form of the Jamabandi is given in appendix -7e (amended jamabandi form).

The form may be altered with the sanction of the Financial Commissioner to meet the requirements of any particular district or tract.

7.41. Special Instructions relating to the jamabandi.

(1) **Column 1-** The Khewat number is the number of the owners holding. Except as provided in paragraph 7.19 (3) Supra, arrange owners' holdings in the order in which the names of owners are given in the revenue estate genealogical tree. (Shajra nasab).

Further, enter the pattis or tarafs in the order in which they appear in the shajra nasab. If there is any common land belonging to all the owners of the patti or taraf, enter it as a separate Khewat number after the khewat number of the individual owners. Enter the total for each patti or taraf after the last of the khewat number contained in it.

(2) **Column 2.** The khatauni number is the number of the holding (Khata) of the person responsible for the cultivation. Enter in order all the holdings belonging to each Khewat number showing first the holding, if any, cultivated by the owner himself (Khudkasht), next the tenants-at-will. Where there are several tenancy holdings under one proprietor, the tenants in their several classes should be entered.

(3) **Column 3.** Description in this column includes father's name, grand father's name and residence. If the owner is a firm, its manager should also be named and described. If the firm is registered under the Indian Partnership Act, IX of 1932, the partners need not be mentioned; but if the firm is not registered the partners should also be named and described and the details of their shares recorded. Regarding the entry of a right-holder as ghair-kabiz see paragraph 7.25 supra. The practice has in the past existed of making a note in the rent column (no. 9), against the entry of a tenant-at-will of bila lagan ba waja tusawwar milkiyat. This entry, which tends to operate as one of ghair-kabiz in respect of the owner should never be made. It is inconsistent because a person who is a tenant cannot be in adverse possession.

(4) Column 4- “Description” in this column includes the father’s name, grand father’s name, and residence. If the tenant is a firm, its manager should also be named and described. If the firm is registered under the Indian Partnership Act, IX of 1932, the partners need not be mentioned, but if the firm is not registered the partners should also be named and described and the details of their shares recorded. The status of the cultivator should be recorded which may be as follows:-

(a) Cultivating owner:- Khud-kasht; or if one of several share-holders is cultivating a portion of the holding (Hisadari kasht) khud kasht hissadar,

(b) Tenant holding for a fixed term under a contract (pattedar or a decree of a Court or an order of competent authority. It should be remembered that the status of a leaseholder for a year differs from that of a tenant-at-will;

(c) All other tenants, i.e., tenant-at-will (ghair-maurusi or ghair dakhikars). A person who is in adverse possession should not be described as ghair dakhilkar or ghair maurusi. These words imply the relationship of landlord and tenant which is incompatible with adverse possession.

(d) Siris, Halis, and other partners in cultivation should also be entered in this column. Care being taken to distinguish them from tenants within the meaning of section 4(5) of the Tenancy Act. They are not “tenants” because they do not possess the right of excluding the landlord under section 12(2) of the Act from interfering in the cultivation. The entry regarding such partners in cultivation should be “khud kasht fulan ba sharakat fulan Siri etc”. Field workers, who get fixed wages in cash or in kind, should not find a place in the Jamabandi.

If a sharer in a joint holding sells or mortgages certain fields, and the transferee obtains possession, the name of the latter will be shown in this column not in column 4. He will be given a Khatauni and not a khewat number.

The tenant is the person responsible for paying the rent. If he sublets the land the entry should be ‘A’ ghair maurusi awaal marfat ‘B’ ghair maurusi doyam.

Further, where rent is paid by a share of produce (batai) enter the share only. If by a lump sum, note the amount, otherwise note both rate and amount in the case of cash rents. Where part of a holdings pays at one rate, and part at another, see that areas, etc., are given in sufficient detail, so also where cash rents are paid on particular crops (zabti). Where no rent is paid by a person in possession other than the owner briefly explain the reason for non-payment of rent if the fact is undisputed. As above explained, the entry of no rent, because of a claim to adverse possession, should never be made.

(5) Column 6. The field or khasra number is the number given to the field in the village map (shajra kishtwar). The order of entry should usually be that of the khasra girdawari. The soil description in the jamabandi is intended to show the permanent method of husbandry applied to each field, and not the condition applicable to any particular harvest or harvests, see paragraph 260 of the settlement Manual. The soil entry must, therefore, be changed, when, but only when, a permanent change has occurred, as e.g., by the cultivation of land which was previously banjar jadid or banjar kadim or by the conversion of barani into chahi land owing to the sinking of a new well. Ordinarily, changes in soil classification need only be made in the year in which quinquennial attestation takes place. But in the case of changes from uncultivated land, the change of classification must be made in the next jamabandi, whether it be one made after a quinquennial attestation or not.

(6) Column 7- Where the ghumaos measure is in use, enter the area of holdings in kanals and marlas only reckoning out ghumaos only in the total of pattis or tarafs and of the estate. In the districts under settlement operations, the total area only i.e., Mizan Haquiat of each holding (Khewat) and the grand total of each estate should be given both in the local measure in vogue as well as in metric system at the end of the entries pertaining of each holding estate in the Misal-I-Haqiat and later on, in the quinquennial jamabandis.

From the agricultural year 1976-77, metric measure have been used along with local measure at the end of the jamabandi for total (mijan) area of the hadbast.

(7) Column 8- The land owned by various Departments of the Government including its entities i.e. Boards & Corporations of the State is not described in a transparent manner. Consequently, there is no description of such lands regarding actual possession, lease, usage, spare, encroachment (with area). Thus, to achieve the said objective in the right earnest, a complete details of Government lands in the manner described above be made in column no.8 by incorporating the details from the e-khasra girdawari portal/register. Resultantly, this exercise will provide a transparent position of Government lands owned by Government, Departments & their entities. Accordingly, optimum utilization of such lands can be made, in case spare land is available with a specific Department, by other needy Department(s), in accordance with the policy, rules and instructions issued by the Government from time to time.

(8) Column 9- In the case of all new entries of names of owners mortgagees with possession and alterations in shares, etc, which are supported by any mutation or fard badar entry, refer in this column to the entry by which they are supported references to fard badar entries, should be given in the manner described in 'paragraph 7.2 supra. If mutation of rights has occurred and has been entered up before June 15th or the date approved by the Director of Land Records but not attested, note briefly, the facts which are believed to have occurred giving the serial number of the entry in the register but stating that the mutation has not been attested.

- (i) If a new well has been made, or a deserted well has been brought into use, or if a well has fallen in or been deserted, be very careful to note the fact.
- (ii) If a holding or part of a holding has been hypothecated to Government as security for a takavi loan, make a note of the fact.
If a second loan is given on the same security a second mutation is not require-see paragraph 7.18 (ii) Supra- but whether a mutation has to be entered up or not , the patwari should make a note of the loan in column 12 of the current jamabandi which should be carried over to all succeeding jamabandis.
- (iii) A brief description of the terms, of collateral mortgages attested in the mutation register will be entered in this column, but no entry relating to such mortgages will be made in any other column.
- (iv) If mutation is refused on the basis of void document or on the information of registrar/sub registrar/joint sub-registrar, in case, with reference to which notice of the registration of a deed has been received, note the fact in this column, specifying the nature of the deed (Sale, Mortgage, etc), and its date.
- (v) The amount of produce received by siris and other partners in cultivation from the landlord as their share and the contribution towards seeds, Government dues etc, if any, made by them, should be recorded in this column.
- (vi) A note showing the names of owners whose land has been acquired by Government wholly or partially and without a share of the shamilat, together with the area transferred and the number of the relevant, mutation, shall be entered in this column. It shall also be stated in this note that the owner concerned will be entitled to a due share of the Shamilat area at the time of partition after due adjudication of title under the relevant statute/law. The note in question shall be copied from jamabandi to jamabandi till adjudication and partition of the shamilat takes place (see paragraph 7.19) 4 supra)
- (vii) A note showing the date of mortgage with possession, in respect of escheated land shall be entered in this column.

SANJEEV KAUSHAL,

Financial Commissioner Revenue and Additional Chief Secretary to Government
Haryana, Revenue and Disaster Management Department.

Appendix – 7e (Jamabandi form)

(Amended)

1	2	3	4	5	6	7	8	9
Khewat No. and Name of patti or taraf with name of lambardar	Khatauni No.	Owner with description	Cultivator with description, Rent paid by cultivator, rate and amount	means of irrigation	Field number	Area and Classification of land	Actual Possession, lease, usage, spare, encroachment (with area)	Remarks